

The Honorable Lonny R. Suko

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SAXON MORTGAGE SERVICES,
INC.

Plaintiff,

v.

JEFFREY D. WORDELL and JANE
DOE WORDELL, husband and wife and
their marital community, UNITED
STATES OF AMERICA,

Defendants.

NO. CV-10-256-LRS

STIPULATED DECLARATORY
JUDGMENT

STIPULATION

The Plaintiff Saxon Mortgage Services, Inc by and through their undersigned counsel and Defendant Jeffrey D. Wordell stipulate to the Declaratory Judgment entered by this Court on April 26, 2011. Specifically, the parties agree as follows:

STIPULATED DECLARATORY
JUDGMENT 1

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AGREED ORDER AND JUDGMENT

1
2 1. On or about April 19, 2004, Jeffrey D. Wordell obtained a loan
3
4 from Finance America, LLC. Mr. Wordell granted a deed of trust to secure
5 repayment, which was recorded on April 19, 2004, under Spokane County
6 Auditor's File No. 5059217. The deed of trust encumbered the real property
7 commonly known as 2611 South Cherry Lane, Spokane, Washington 99223,
8
9 and legally described as follows:

10 Tract 21 of "The Old Home", as per Plat recorded
11 in Volume "D" of Plats, page 55; situate in the
12 County of Spokane, State of Washington.

13 ("Property").

14 2. On or about April 19, 2004, Jeffrey D. Wordell obtained a
15
16 second loan from Finance America, LLC. Mr. Wordell granted a deed of
17 trust to secure repayment, which was recorded on April 19, 2004, under
18 Spokane County Auditor's File No. 5059218. The deed of trust encumbered
19 the Property.

20 3. On or about November 2, 2004, the USA recorded a Notice of
21
22 Federal Tax Lien against Jeffrey Wordell in the amount of \$203,678.24
23 recorded under Spokane County Auditor's File no. 5142042.

24
25 STIPULATED DECLARATORY
JUDGMENT 2

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1 5. On or about June 5, 2007, Mr. Wordell obtained a new loan from
2 Saxon Mortgage, Inc., (“Saxon”) to refinance the existing Finance America,
3 LLC loans. Jeffrey D. Wordell granted a deed of trust to Saxon to secure the
4 loan. The Deed of Trust was recorded on June 5, 2007, under Spokane County
5 Auditor’s File No. 5545259.
6

7 6. Saxon intended to receive and required a first lien position as a
8 condition of making its loan.
9

10 7. A portion of the proceeds from the Saxon Loan were used to pay
11 off the HomEq Loan, the successor in interest to Finance America, LLC.
12

13 8. The USA alleges it has a lien interest in the Property pursuant to
14 its lien filed November 2, 2004, under Spokane County Auditor’s File No.
15 5142042.

16 9. The Saxon Deed of Trust assumes the priority lien interest of any
17 and all liens it paid that were senior to the Federal Tax Lien. The Saxon
18 Deed of Trust is senior to any and all right, title, lien or interest the USA may
19 have in the Property.
20

21 10. Saxon agrees to waive all claims against Wordell for attorneys’
22 fees and costs.
23

1 Having made, and in consideration of and based upon the foregoing, it
2 is, therefore, hereby **ORDERED, ADJUDGED and DECREED:**

3 Jeffrey Wordell obtained two loans, secured by Deeds of Trust
4 recorded on April 18, 2004, under Spokane County Auditor's File Nos.
5 5059217 and 5059218. The subsequent loan obtained by Jeffrey Wordell
6 from Saxon was for the purpose of refinancing the prior loans. As a
7 condition of providing the loan, Saxon required that its lien take the first
8 position.
9
10

11 The Deed of Trust, recorded by Saxon on June 5, 2007, under Spokane
12 County Auditor's File No. 5545259, assumed the priority of the liens it paid.
13 As such, Saxon's lien constitutes a first position lien on the Property.
14

15 Saxon's lien is superior to any and all right, title, lien, claim or interest
16 of the United States of America, including but not limited the claim it filed
17 November 2, 2004, under Spokane County Auditor's File No. 5142042 and
18 anyone claiming by, through, or under it.
19

20 Saxon's claims against Wordell for attorneys' fees and costs are
21 waived.

22 A copy of this Stipulated Declaratory Judgment shall be provided to counsel
23 for the parties and for the United States.

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25 STIPULATED DECLARATORY
JUDGMENT 4

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1 Dated this 23rd day of June, 2011.

2
3 *s/Lonny R. Suko*

4

The Honorable Lonny R. Suko

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25 STIPULATED DECLARATORY
JUDGMENT 5

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1 **Agreed to and Approved for Entry; Copy Received; Notice of**
2 **Presentation Waived:**

3 BISHOP, WHITE, MARSHALL
4 & WEIBEL, P.S.

5 /s/ Devra D. Featheringill

/s/ Jeffrey D. Wordell

6 Ann T. Marshall, WSBA # 23533

Jeffrey D. Wordell

7 Devra D. Featheringill, WSBA #32182

8 Attorneys for Plaintiff

Saxon Mortgage Services, Inc.

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25 STIPULATED DECLARATORY
JUDGMENT 6

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